

plurality of said tokens with each token in a stack displaying at least two flat sides and one visual representation of a mode of transportation,

(c) each of the opposite ends of said parallelepiped object comprising a gripping wing that is spaced from the body of the object to form a recess and has on the outer surface of the gripping wing a respective visual indication of movement of the token relative to said board, with one of said visual indications to be placed facing a said marked area and the other facing the opposite direction to be viewed to indicate the playing status of the multi-token, each token to be moveable only with respect to marked areas corresponding to localities accessible by the corresponding mode of transportation; and means for determining the movement of each said multi-token means about said path.

REMARKS

This submission is in response to the Final Rejection dated August 30, 2002.

Claims 1, 3, 4 and 6-25 are pending.

Main claim 1 is proposed to be amended in two respects. First, it is now recited that the object forming the multi-token is an elongated parallelepiped. This makes the

language clearer, although the original claim language was intended to recite this. Support for this is found at page 10, line 5. Also, the claim is proposed to be amended to be directed to the embodiment shown in Fig. 2g in which there is a "gripping wing" 42h at each end of the multi-token.

The tourist game of the invention is a series of limited-edition special-interest games intended for play by people with limited physical mobility. The tourist game enables the targeted handicapped and/or aging players to enjoy traveling to various geographic areas mentally. It requires a coordinated combination of mental and physical activity.

Considering now the game that includes the multi-token of Fig. 2e, this is an elongated parallelepiped shaped plastic playing piece with plastic thin "fingernail" grips, or gripping wings, at each end. The wings facilitate grabbing and rotating the piece by the targeted players who have limited dexterity. In a typical embodiment, each gripping wing is positioned 1/16 inch from the corresponding end of the parallelepiped and forms an integral part of the multi-token. A player can insert a fingernail in the recess between the body and the gripping wing. A player can clearly sense the fingernail grips by touching the multi-token. This response to the player's sense of touch is a particular benefit to the handicapped. This benefit is the intent of the unique "fingernail" grip gripping wing situated on each end of the multi-token.

Claims 1, 3, 4 and 6-25 stand rejected over applicant's prior patent 4,093,235 in view of the newly cited patent to Moore, U.S. 3,642,286.

The Examiner takes the position (first three lines of page 3 of the Final

Rejection) that applicant does not disclose why it is critical for the multi-token to be parallelepiped or pyramid shaped. First of all, the claims are not directed to a pyramid shaped multi-token. They are directed to an elongated parallelepiped.

The novel use of the multi-token in combination with the gameboard of the prior '235 patent is discussed in detail in the last amendment. That is, the shape of the multi-token has the advantages that there is a space on each of the flat sides for the display of the transportation mode: auto, boat or airplane. Also, the flat sides permit the tokens to be stacked so that two or more tokens for the same or different players can be at the same location. Further, GO and NO GO indications are placed on each end of the token.

The particular form of the multi-token of Fig. 2e has further advantages for the play of the game, especially with respect to use by aged or handicapped persons who have diminished physical dexterity. Also, as set forth above, the particular shape of the multi-token provides mental stimulation with respect to matching a transportation mode (air, car, boat) indicia on the multi-token side with a corresponding indicia on the gameboard. Also the GO-NO GO different colors on the multi-token (see claim 26) makes the player exercise mental facilities.

As to the Moore patent, this shows cubical playing pieces 16 having different indicia on the sides of the cube. The game is of the "open" chess type in that there is a grid-like gameboard. The pieces are moved a number of spaces, dictated by the particular indicia that shows on the piece. There is no interaction between the indicia and the playing piece and a corresponding indicia on the gameboard, as in the present invention. Also, the pieces of

Moore do not have the dual function of the multi-token of the invention in which the indicia on the side walls match to indicia on the board, and the GO-NO GO indication on the end provide further information as to the status of the piece. Further, the Moore playing pieces do not have the gripping wings of the multi-token of the invention.

There is no basis to make the combination of Moore with applicant's prior patent. The prior patent does not at all teach or suggest the use of a multi-token playing piece that has the various advantages discussed above. The prior patent uses a respective token for each of the travel modes. Using the cubical playing pieces of Moore with applicant's gameboard is also illogical since Moore's pieces are used in an open type game in which there is no relationship between the indicia on the playing pieces and corresponding indicia on the gameboard. Therefore, the combination is improper. Even if the combination is made, it still does not teach or suggest the novel features of claim 1.

Accordingly, claim 1 patentably distinguishes over the combination of applicant's prior patent and Moore, and should be allowed.

The other active claims depend, in one way or another, from claim 1 and also should be allowable.

The amendment should be entered since it clearly places the application in condition for allowance.

The other newly cited art has been considered and is distinguishable over for the reasons given above.

In view of the above amendments and remarks, it is respectfully requested that

the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Prompt and favorable action is requested.

Respectfully submitted,



S. Peter Ludwig
Reg. No. 25,351
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700



EXPRESS MAIL CERTIFICATE

12/2/02 208554730 - US
Date Label No.

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

D B Peck

Name (Print)

Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 1150/0H262

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of: Dennis P. Barry

DEC - 5 2002

Serial No.: 09/699,955

Art Unit: 3711

TECHNOLOGY CENTER R3700

Confirmation No.: 8257

Filed: October 30, 2000

Examiner: Alvin A. Hunter

For: TOURIST GAME

**MARK-UP OF CLAIMS FOR AMENDMENT AFTER
FINAL REJECTION PURSUANT TO 37 C.F.R. §1.121**

1. (Amended) A board game apparatus designed to acquaint players with a predetermined region as represented on a map, said apparatus comprising:
a board having predefined directions thereon corresponding to directions on said map and including a series of marked areas forming a path extending about said board, each of said marked areas representing a particular locality within said region, having indicia therein identifying said locality, and being disposed on said board to correspond generally

with the location of said locality on said map, selected ones of said marked areas on said board being designated as accessible only by indicated modes of transportation;

a plurality of multi-token means, each said multi-token means dedicated to a different player and being moveable for transportation along said path, wherein each said multi-token

(a) is [a] an elongated parallelepiped object with four flat sides and two opposite ends,

(b) the surface of each of at least three of said flat sides has a respective visual representation of a different mode of transportation for use by the corresponding player, and the said flat sides permitting vertical stacking of a plurality of said tokens with each token in a stack displaying at least two flat sides and one visual representation of a mode of transportation,

(c) each of the opposite ends of said parallelepiped object [also having thereon] comprising a gripping wing that is spaced from the body of the object to form a recess and has on the outer surface of the gripping wing a respective visual indication of movement of the token relative to said board, with one of said visual indications to be placed facing a said marked area and the other facing the opposite direction

to be viewed to indicate the playing status of the multi-token, each token to be moveable only with respect to marked areas corresponding to localities accessible by the corresponding mode of transportation; and means for determining the movement of each said multi-token means about said path.